

## Schena, Cristeen

---

**From:** Phillips, Earl <EPHILLIPS@RC.com>  
**Sent:** Tuesday, September 08, 2015 5:25 PM  
**To:** Rapp, Steve  
**Cc:** Osbahr, Bill; Olivier, Tom; Mohamoud, Abdi; Sansevero, Christine; Looney, Michael; Schaefer, Jon; Scott A. Miller Esq.  
**Subject:** Re: Scheduling a meeting at Johnston, Rhode Island

Steve -

Just a quick note to acknowledge receipt of your email and to let you know that we are reaching out to everyone on our team for dates and availability. After EPA suggested that we should have a kickoff meeting in the field, any consideration of developing a conceptual design for the "hood" was put on hold pending the meeting.

We will get back to you shortly regarding the date or alternatives.

Best,

Earl

Sent from my iPhone

> On Sep 8, 2015, at 12:51 PM, "Rapp, Steve" <Rapp.Steve@epa.gov> wrote:  
>  
> Mr. Phillips,  
>  
> Good afternoon. We wanted to get back to you about planning a technical meeting at the Johnston, RI facility. We would like to plan a visit for Monday, September 21, if that date is workable for your team. As you suggested, the purpose of the meeting would be to work on and refine the technical considerations that would be related to a hood-like structure that would be used to capture emissions for the purposes of emissions testing. To that end, it would be very helpful if your client could share in advance any schematics or drawings of the current shredding equipment, as well as any draft configurations of the hood structure that they may be considering for the emissions testing.  
>  
> Please let me know if a meeting in the morning of 9/21 would be possible. We look forward to hearing from you soon.  
>  
> Steve  
>  
> Steve Rapp  
> Chief, Air Technical Unit  
> U.S. E.P.A., Region 1  
> 5 Post Office Square, Suite 100  
> Boston, MA 02109  
> 617-918-1551  
>  
> -----Original Message-----

> From: Phillips, Earl [mailto:EPHILLIPS@RC.com]  
> Sent: Thursday, July 30, 2015 6:16 PM  
> To: Rapp, Steve  
> Cc: Osbahr, Bill; Olivier, Tom; Keefe, Jerome C.; Mohamoud, Abdi; Sansevero, Christine; Looney, Michael  
> Subject: Re: EPA / SMM NEC - Johnston, Rhode Island  
>  
> Mr. Rapp -  
>  
> Thank you for the update. I will relay the decision to our team and look forward to hearing from Tom, you, or Bill late next week.  
>  
> Best,  
>  
> Earl  
>  
> Sent from my iPad  
>  
>> On Jul 30, 2015, at 4:09 PM, Rapp, Steve <Rapp.Steve@epa.gov> wrote:  
>>  
>> Mr. Phillips,  
>>  
>> Good afternoon. It appears that the email address for me that Tom Olivier provided was outdated but Bill Osbahr forwarded the message to me. As you know, Mr. Olivier is on leave this week. Given your email below and the questions/concerns you raise, I would like to talk internally with the team here before we finish planning the site visit. So, rather than August 5th, I suggest that we wait until late next week when Tom is back in the office to resume our site visit planning efforts. Thank you for your patience. Feel free to contact me if you have any questions.  
>>  
>> Steve  
>>  
>> Steve Rapp  
>> Chief, Air Technical Unit  
>> U.S. E.P.A., Region 1  
>> 5 Post Office Square, Suite 100  
>> Boston, MA 02109  
>> 617-918-1551  
>>  
>> -----Original Message-----  
>> From: Phillips, Earl [mailto:EPHILLIPS@RC.com]  
>> Sent: Tuesday, July 28, 2015 11:13 AM  
>> To: Osbahr, Bill  
>> Cc: Olivier, Tom; srapp@epa.gov; Miller Scott A. Esq.; Schaefer, Jon; Phillips, Earl; Adams, Kathy  
>> Subject: EPA / SMM NEC - Johnston, Rhode Island  
>>  
>> Bill -  
>>

>> Thank you for your recent email. We were sorry to learn that none of the dates that our team proposed worked for you, but wanted you to know that we are doing our best to adjust schedules in the hope that we might be able to accommodate your alternative of August 5, 2015.

>>

>> As we work on scheduling, we thought it was important to both reflect back on the tremendous progress that was made during our June 16, 2015 meeting in Boston and to focus the upcoming field meeting to be consistent with that progress. As I felt that elements of this communication might go beyond scheduling, I called Atty. Olivier in advance of writing this to confirm my understandings from our last meeting and let him know that I would be writing to you. Atty Olivier confirmed my recollection and asked that I copy him as well as Steve Rapp on this email.

>>

>> In a nutshell, my recollection was/is that at our June 16, 2015 meeting the US EPA and SMM New England Corporation (SMM NEC) agreed that the substitute Testing Order:

>> 1. Would not require a temporary or permanent "enclosure", but rather would call for a temporary or permanent "hood-like" structure; 2. Would not require negative pressure in the structure but would rather call for an appropriate and agreed upon air flow; 3. Would call for this "hood-like" structure be located proximate to and down process line from the hammer mill; and 4. Would acknowledge that the "hood-like" structure would be designed and advanced provided it was "reasonable" and "safe".

>>

>> It was following this agreement and further efforts related to the Testing Order that Atty Olivier suggested that perhaps it would be more efficient for the technical meeting between our client's inhouse and outside experts and you to occur prior to issuing the Testing Order as opposed to within 30 days of the Order's issuance. We could see the merit in this suggestion and welcomed the opportunity. As we began this scheduling effort, we always understood that the meeting would be to work on and refine the technical considerations that would be related to this "hood-like" structure.

>>

>> Given this agenda and our client's desire to move forward with the discussion of the size/shape/engineering of the "hood-like" structure, we would prefer to maintain the focus of this meeting on the task at hand that will ultimately yield the most reliable data as opposed to engaging in qualitative testing or evaluation at this time.

>>

>> Assuming you agree with this summary and approach, we will continue with efforts to adjust the calendars of our inhouse and outside experts to meet on August 5, 2015.

>>

>> I look forward to hearing from you.

>>

>> Sincerely,

>>

>> Earl Phillips

>>

>>

>>

>> Sent from my iPad

>>

>>

>> \_\_\_\_\_

>> This transmittal may be a confidential attorney-client communication or may otherwise be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution, or copying of this transmittal is strictly prohibited. If you suspect that you have received this communication in error, please notify us immediately by telephone at 1-860-275-8200, or e-mail at [it@rc.com](mailto:it@rc.com), and immediately delete this message and all its attachments.

>> \_\_\_\_\_  
>>